

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EDWARD J. SMITH, )  
                        )  
Plaintiff,         )                           8:05CV81  
vs.                 )  
NEBRASKA WAREHOUSES COMPANY, )  
                        )  
Defendant.         )

This matter is before the magistrate judge pursuant to 28 U.S.C. § 636 and the consent of the parties. By order dated May 16, 2006, plaintiff's attorney, Sean Bradley, was directed to appear before the undersigned on June 1, 2006 at 11:00 AM to explain why he has not registered for the CM/ECF System or paid the court's annual assessment fee as previously ordered. The May 16 order was mailed to Mr. Bradley from chambers and was not returned as undeliverable.

The hearing convened on June 1, 2006 as scheduled. Robert Rossiter, Jr. appeared on behalf of the defendant. Mr. Bradley failed to appear as ordered. The defendant moved for dismissal based on Mr. Bradley's failure to appear, and based on the plaintiff's failure to comply with the court's discovery orders (see Filings 28 and 37) or to otherwise prosecute the case with reasonable diligence. I note that the plaintiff is liable to the defendant for \$1,193.50 in discovery sanctions, said amount to be paid or offset at the time of final judgment.

All parties are advised that this case will be dismissed without prejudice unless the plaintiff, either personally or through counsel, files a written document before the close of business (**4:30 PM**) on June 15, 2006, showing good cause why the case should not be dismissed for failure to prosecute.

The Clerk shall send copies of this Order to Show Cause to Sean Bradley and to the plaintiff at his last known address.

**DATED June 1, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**